The owner may remove the painting from public view; he may probably even destroy it; with such possibilities the artist must reckon when he sells his work; but not with the possibility of having the individuality and integrity of his painting violated while leaving it to exist as a work of art which may at some time be viewed and criticized by strangers, even if for the present it is shielded from indiscriminate gaze.

CONSTITUTIONAL LAW — DUE PROCESS OF LAW — PIPE-LINE AMENDMENT TO INTERSTATE COMMERCE ACT. — By an amendment to the Interstate Commerce Act adopted in 1906, Congress provided that all pipe-lines engaged in the interstate transportation of oil should be held common carriers. The act was construed to apply to all pipe-lines irrespective of whether or not they had professed to carry for the public. *Held*, that the act, so construed, is unconstitutional. *Prairie Oil and Gas Co.* v. *United States*, U. S. Commerce Ct., March 11, 1913. See NOTES, p. 631.

CONSTITUTIONAL LAW — PERSONAL RIGHTS — MARTIAL LAW. — The governor of a state with the authority of the legislature, proclaimed martial law in a certain district. The relator was arrested, tried, and sentenced to prison by the military authorities, for an offense committed prior to the governor's proclamation. The state constitution expressly provided that the writ of *habeas corpus* should not be suspended, and that no one should be tried for a civil offense by a military commission. *Habeas corpus* proceedings were instituted in the relator's behalf. *Held*, that necessity justified the imprisonment, at least while the disturbance continued, and that the writ be refused. *State ex rel. Mays* v. *Brown*, 77 S. E. 243 (W. Va.). See NOTES, p. 636.

CONSTITUTIONAL LAW — POWERS OF THE JUDICIARY — OBLIGATION OF COURTS TO GIVE ADVISORY OPINIONS. — Under a constitutional provision that "the Supreme Court shall give its opinion upon important questions upon solemn occasions when required by the Governor," the latter put certain interrogatories. The court declined to answer on the ground that the occasion was not in their judgment sufficiently solemn to require it. *In re Lieutenant Governorship*, 129 Pac. 811 (Colo., Sup. Ct.).

Advisory opinions are purely extra-judicial, and are not binding either as decisions or as precedents. See *Opinion of Justices*, 126 Mass. 557, 566; *Opinion of Court*, 60 N. H. 585. But see *Answer of Justices*, 70 Me. 570, 583; *In re Senate Resolution*, 12 Colo. 466, 467, 21 Pac. 478, 479. They are given without a hearing of interested parties or assistance of counsel, and oftentimes with but an imperfect knowledge of the facts. These considerations, together with a feeling of jealousy for the independence of the judiciary, have often caused the judges, in the few states which have similar constitutional provisions, to be reluctant to give such opinions. See *Opinion of Justices*, 5 Metc. (Mass.) 596, 597; *Opinion of Justices*, 9 Cush. (Mass.) 604. Several courts have declined to answer, as in the principal case, affirming their right to decide whether the question was important or the occasion solemn. *Answer of the Justices*, 148 Mass. 623, 21 N. E. 439; *Answers of Justices*, 95 Me. 564, 51 Atl. 224. These provisions were, however, intended to constitute the judges the legal advisers of the other departments, after the English practice of the king and the House of Lords calling on the judges. See *Opinion of the Justices*, 126 Mass. 557, 561. It is hardly an effective adviser who must answer only when he thinks the questioner needs it. In the nature of things, it seems more reasonable to lodge the power to determine the necessity for advice in the party asking it. The wonted interpretation of such provisions is perhaps influenced by a feeling of their unwisdom and the consequent desirability of restricting the right. See 24 AM. L. REV. 369.